

EXAMINER'S AMENDMENT

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on August 25, 2010 has been entered.

Examiner's Amendment

2. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Virgil H. Marsh on March 11, 2011.

The application has been amended as follows:

In Reference to Claim 1

In line 6, --constructed-- has been inserted after "film".

In line 7, "the direction of" has been changed to --a direction opposite of--.

In line 16, "wherein" has been deleted.

In Reference to Claim 5

Claim 5 has been canceled.

Art Unit: 3754

In Reference to Claim 6

Claim 6 has been canceled.

The above amendments were required to clarify: that the filter must be constructed such that it filters out bacteria; the filter filters bacteria from liquid moving from a down stream side to an upstream side of the filter; the internal layer bag has a memory which generates a negative pressure. Claims 5 and 6 were canceled as being substantially redundant to amended claim 1.

3. The following is an examiner's statement of reasons for allowance:

While the structural components of claim 1 were found in various prior art references, the specific combination of structural and functional recitations was not fairly taught. Specifically, in a bottle which has an external layer which is deformable by squeezing and an internal layer which is peelable from the external layer; the particular filter configuration in combination with the particular bottle having an internal layer bag memory configuration which creates a negative pressure to draw liquid downstream of the filter to the upstream the filter while filtering bacteria was not fairly suggested in the prior art. The particular arrangement allows for filtered liquid to be drawn back into the container without drawing ambient air into the container; this provides the advantages discussed in the last paragraphs of the specification starting on page 13, line 20.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Art Unit: 3754

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to KENNETH BOMBERG whose telephone number is (571)272-4922. The examiner can normally be reached on Monday-Thursday and alternative Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kevin P. Shaver can be reached on (571)272-4720. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

5. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Kenneth Bomberg/
Primary Examiner, Art Unit 3754

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